

EXHIBIT 30

Meyers, Jessica N.

From: Schwartz, Michael (x2252) <mschwartz@pbwt.com>
Sent: Friday, April 2, 2021 3:19 PM
To: Meyers, Jessica N.; Crawford, Andrew C.; Chew, Benjamin G.; Vasquez, Camille M.
Cc: Teplin, Stephanie (x2543); Elaine Bredehoft
Subject: John C. Depp, II v. Amber Laura Heard, Originating Case No. CL-2019-23911 (V.A. Cir. Ct. Fairfax Cnty.)
Attachments: 2021.04.02 Letter regarding Romero subpoenas.pdf; 2021.04.02 Responses and objections to Romero subpoena.pdf

CAUTION: External E-mail. Use caution accessing links or attachments.

Counsel:

Please see attached letter and Responses & Objections regarding the two subpoenas sent to non-party Anthony Romero. These documents will also be sent via Fedex to Jessica Meyers.

Mike

Michael D. Schwartz

Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036
(212) 336-2252
mschwartz@pbwt.com

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Patterson Belknap Webb & Tyler LLP

1133 Avenue of the Americas New York, NY 10036-6710 212.336.2000 fax 212.336.2222 www.pbwt.com

April 2, 2021

Stephanie Teplin
Partner
(212) 336-2543
steplin@pbwt.com**By Email Attachment and FedEx**Benjamin G. Chew (bchew@brownrudnick.com)
Andrew C. Crawford (acrawford@brownrudnick.com)
Camille Vasquez (cvasquez@brownrudnick.com)
Jessica N. Meyer (jmeyers@brownrudnick.com)
BROWN RUDNICK LLP
7 Times Square
New York, NY 10036*Counsel for Plaintiff John C. Depp, II***Re: John C. Depp, II v. Amber Laura Heard, Originating Case No. CL-2019-23911 (V.A. Cir. Ct. Fairfax Cnty.)**

Dear Counsel:

We represent Non-Party Anthony Romero (“Mr. Romero”) in connection with the foreign subpoena ad testificandum and the foreign subpoena duces tecum in the above-captioned matter (the “Litigation”), both dated February 1, 2021, and both served on Mr. Romero on March 16, 2021, pursuant to CPLR 3119.

Enclosed with this email please find Mr. Romero’s responses and objections to the subpoena duces tecum. In addition, Mr. Romero objects to the subpoena ad testificandum (the “Subpoena”). As an initial matter, the Subpoena is procedurally defective because it was not accompanied by a witness fee as required by CPLR 2303. Mr. Romero further objects to the Subpoena as unduly burdensome on a third party, disproportionate to the needs of the litigation, and not reasonably calculated to discover relevant evidence. Mr. Romero is the executive director of the American Civil Liberties Union (“ACLU”), the country’s largest public interest law firm, which handles close to 2,000 cases annually. The ACLU has 1.7 million members, 500 staff attorneys, thousands of volunteer attorneys, and offices throughout the country.

Under New York law, “senior corporate executives with no discernible personal involvement in a dispute . . . should not be deposed absent a showing that he or she ‘uniquely possesses relevant information that renders his or her deposition necessary.’” *J.T. Magen & Co. Inc. v. Nissan N. Am., Inc.*, 2020 N.Y. Misc. LEXIS 2066, at *3 (Sup. Ct. N.Y. Cnty. May 15, 2020) (quoting *Rosenhaus Real Estate, LLC v. S.A.C. Capital Mgt., Inc.*, 100 A.D.3d 512, 512-

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13 (1st Dep't 2012)). This rule “prevent[s] unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice” to the senior executive, and applies with particular force here because neither Mr. Romero nor the ACLU is a party to the Litigation. *Id.* (quoting CPLR 3101(a)). Courts routinely quash deposition subpoenas where the party seeking the senior executive’s deposition has not shown that the deposition is “necessary” because the executive does not “uniquely possesses relevant information” or because the information “cannot be obtained from another source.” *Daou v. Huffington*, 2013 N.Y. Misc. LEXIS 705, at *16-17 (Sup. Ct. N.Y. Cnty. Feb. 14, 2013) (collecting cases).

Mr. Depp cannot make the requisite showing to warrant Mr. Romero’s deposition. The Litigation concerns whether Ms. Heard defamed Mr. Depp in an op-ed published in the Washington Post. In response to a subpoena directed at the ACLU, the ACLU has already agreed to produce documents related to the drafting and publication of the op-ed that are located after a reasonable search. The ACLU has also agreed to produce a corporate representative to testify on behalf of the ACLU related to the op-ed, and information you seek regarding the op-ed can be obtained from that witness. Mr. Romero, the Executive Director of the ACLU, was not involved in preparing the op-ed, reviewing the op-ed, or submitting it to the Washington Post for publication. As such, Mr. Romero does not “uniquely possess relevant information that renders his deposition necessary.” *J.T. Magen*, 2020 N.Y. Misc. LEXIS 2066, at *3. Nor have you provided any basis to justify the significant burden imposed by multiple depositions of the ACLU and its employees given their status as non-parties to the Litigation.

During our meet-and-confer call, you stated that Mr. Romero may have information concerning donations made by Ms. Heard to the ACLU. However, information related to donations by Ms. Heard is not relevant to facts or arguments at issue in the Litigation, which relate solely to whether statements made by Ms. Heard and by Mr. Depp are defamatory. Even if such information were relevant, it can be obtained from Mr. Heard herself. In any event, there is no basis to depose Mr. Romero, the Executive Director of the ACLU, in order to obtain that information. *See Rosenhaus*, 100 A.D. 3d at 512 (affirming motion to quash because “Plaintiff failed to show that the several [] officers and employees it had already deposed lacked information about the transactions at issue”).

We understand that Mr. Depp plans to move to compel the ACLU to produce documents and a corporate representative on topics related to Ms. Heard’s donations. We expect that motion to be denied, given the (at best) tenuous relevance and the burden on the ACLU as a third-party. But even if a Court ultimately determines that the ACLU’s evidence on this subject is warranted, the testimony of a corporate representative would be sufficient. *See Daou*, 2013 N.Y. Misc. LEXIS 705, at *18-19 (quashing deposition of senior executive absent showing that he “had any information other than that of his company” as to the transaction at issue, and rejecting argument that the executive had “unique knowledge with respect to [his] private conversations”).

In addition to the above objections, Mr. Romero further objects to the date identified in the Subpoena because it has already passed. Accordingly, Mr. Romero cannot

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appear to be deposed on the date listed in the Subpoena, nor will he otherwise agree to appear to be deposed. Mr. Romero reserves all rights to seek a protective order quashing the Subpoena or seeking other appropriate relief.

Please contact me if you would like to discuss these matters further.

Sincerely,

/s/ Stephanie Teplin_____

Stephanie Teplin

cc:

Elaine Bredehoft, Esq.
CHARLSON BREDEHOFT COHEN & BROWN, P.C.
11260 Roger Bacon Drive, Suite 201
Reston, VA 20190
ebredehoft@charlsonbredehoft.com

Counsel for Defendant Amber Laura Heard

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

JOHN C. DEPP, II,

Plaintiff

v.

AMBER LAURA HEARD,

Defendant.

(Subpoena issued pursuant to Uniform
Interstate Deposition and Discovery Act)

Originating Court:
Circuit Court of Fairfax County, Virginia

Originating Case Number:
No. CL-2019-02911

**NON-PARTY ANTHONY ROMERO’S RESPONSES AND OBJECTIONS TO
PLAINTIFFS’ SUBPOENA DUCES TECUM**

Non-party Anthony Romero (“Mr. Romero”) responds to Plaintiff John C. Depp’s (“Plaintiff”) Subpoena Duces Tecum dated February 1, 2021 and served on Mr. Romero on March 16, 2021 (the “Subpoena”), and the document requests therein (the “Requests”), as follows.

GENERAL OBJECTIONS

1. Mr. Romero’s investigation of the facts related to the Requests in the Subpoena and his review of documents and information are ongoing. Mr. Romero reserves the right to supplement, amend, modify, or correct his responses and objections should he discover additional information or grounds for objections. The following responses and objections are based upon information known at this time.

2. Mr. Romero’s responses to the Subpoena and any documents produced in response to the Subpoena are for use in the above-captioned litigation (the “Litigation”) and for no other purpose.

3. No response or objection made herein, or lack thereof, is an admission by Mr. Romero as to the existence or non-existence of any documents responsive to the Requests, but only that Mr. Romero has made or will make a good faith, reasonable effort to search for such documents within his possession, custody, or control.

4. In providing these responses or any documents or information, Mr. Romero does not admit or concede the relevance, materiality, authenticity, or admissibility in evidence of any such responses, information, or documents.

5. Mr. Romero objects to the Subpoena to the extent the Requests seek the production of documents and information not relevant to facts or arguments at issue in the Litigation and not reasonably calculated to lead to the discovery of relevant and admissible evidence.

6. Mr. Romero objects to the Subpoena to the extent the burden and expense of production are not proportional to the needs of the case, and in light of Mr. Romero's status as a non-party to the Litigation.

7. Mr. Romero objects to the Subpoena to the extent that it is overbroad, unreasonable and oppressive in the scope of subject matter covered and fails to take reasonable steps to avoid imposing undue burden and expense on Mr. Romero. Mr. Romero reserves his right to seek an order protecting him, as a non-party, from significant cost or expense related to compliance with the Subpoena, including but not limited to requiring Plaintiff to pay the costs of collection, review, and production of documents responsive to the Subpoena and related motion practice. *See* CPLR 3112.

8. Mr. Romero objects to the Subpoena to the extent it seeks the production of "all" documents or "all" communications of a particular category. Such requests are unduly

burdensome, particularly in light of Mr. Romero's status as a non-party to the Litigation. *See Matter of Souza*, 80 A.D.3d 446, 446 (1st Dep't 2011) (affirming order quashing document requests "to produce 'all' documents" on certain topics because the requests were "overbroad and burdensome"); *Brand New Sch., LLC v. Mill Grp., Inc.*, 2017 U.S. Dist. LEXIS 14909, at *37 (S.D.N.Y. Jan. 17, 2017) (request that "seeks 'all' documents without regard for whether such documents relate to or are proportional to the needs of this case . . . are vague, overly broad and unduly burdensome").

9. Mr. Romero objects to the Subpoena to the extent it does not allow a reasonable time for compliance.

10. Mr. Romero objects to the Subpoena to the extent the Requests seek the production of documents or information that are not in Mr. Romero's possession, custody, or control.

11. Mr. Romero objects to the Subpoena to the extent the Requests seek the production of documents or information that Mr. Romero does not store, maintain, or preserve in the normal course of business.

12. Mr. Romero objects to the Subpoena to the extent the Requests seek the production of documents or information subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or doctrine.

13. Mr. Romero objects to the Subpoena to the extent the Requests seek the production of documents or information already in Plaintiff's possession or reasonably accessible to Plaintiff from other sources.

14. Mr. Romero objects to the Subpoena to the extent the Requests seek the production of documents or information that have been or can be obtained from parties to the

Litigation. Mr. Romero further objects to the Subpoena as improperly attempting to obtain documents or information from a third party without first attempting to obtain such documents or information from a named defendant.

15. Mr. Romero objects to the Subpoena to the extent the Requests seek the production of documents or information that can be obtained from publicly available sources, as such documents or information are equally accessible to Plaintiff. Mr. Romero will construe the Requests not to call for the production of publicly available documents or information.

16. Mr. Romero objects to the Subpoena to the extent the Requests seek the production of documents or information that is duplicative of documents or information available from, requested from, or produced by other parties or non-parties to the Litigation.

17. Mr. Romero objects to the Subpoena to the extent the Requests seek confidential or proprietary business information or other private, personal, or sensitive information. To the extent Mr. Romero agrees to produce documents containing confidential or proprietary business information in response to the Subpoena, he will only do so pursuant to a court-ordered protective order that reasonably protects the confidential or sensitive information contained therein.

18. Mr. Romero objects to the Subpoena to the extent that the Requests are vague and ambiguous, including as a result of their use of undefined terms susceptible to more than one potential interpretation.

19. Mr. Romero objects to any Request to the extent that it is duplicative of other Requests, including those in other subpoenas that Plaintiff has served or may serve in the future on the American Civil Liberties Union, the American Civil Liberties Union Foundation, and/or either organization's employees.

20. Mr. Romero objects to the Subpoena's definitions and instructions to the extent they are vague, overly broad, unduly burdensome, and/or not reasonably tailored to lead to the discovery of admissible evidence.

21. Mr. Romero objects to the Subpoena's definition of "COMMUNICATION" to the extent to calls for production of "verbal exchanges" or "verbal conversations" that are not memorialized or otherwise stored in written form.

22. Mr. Romero objects to the Subpoena's instructions regarding the format of production of documents as unduly burdensome, particularly given Mr. Romero's status as a non-party to the Litigation. To the extent Mr. Romero agrees to produce documents or information in response to the Subpoena, he will do so in a format that is least burdensome to Mr. Romero.

23. Mr. Romero objects to the Subpoena's eighth instruction to the extent it calls for the production of information regarding documents that have been "destroyed, cannot be located, or are otherwise no longer in your possession or subject to your control." To the extent Mr. Romero agrees to produce documents or information in response to the Requests, he will conduct a reasonable search of documents that are presently within his physical possession, custody, or control or are readily accessible to Mr. Romero.

24. Mr. Romero objects to the Subpoena's eleventh instruction to the extent it calls for the production of a privilege log, which is unduly burdensome given his status as a non-party to the Litigation. To the extent Mr. Romero agrees to produce documents or information in

response to the Requests, he will produce only non-privileged documents or information located after a reasonable search.

25. Mr. Romero is willing to meet and confer regarding his objections and responses to the Subpoena.

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS

Subject to and without waiving the foregoing objections, Mr. Romero responds to the specific Requests as follows.

Request No. 1

All DOCUMENTS that refer, reflect, or relate to any donations made to the ACLU by MS. HEARD or any PERSON on MS. HEARD's behalf, from January 1, 2016 through and including the present.

Response to Request No. 1

Mr. Romero hereby incorporates each and every one of his General Objections into his response to Request No. 1. Mr. Romero objects to this Request because it seeks production of internal, proprietary documents reflecting information about the ACLU's donors that the ACLU does not share publicly. Mr. Romero further objects to this Request because documents sufficient to show donations made to the ACLU by Ms. Heard or any person on her behalf, from January 1, 2016 through the present, are available from and have been produced by other parties to the Litigation. Accordingly, a Request for Mr. Romero to re-produce such documents is unnecessary, duplicative, and unduly burdensome.

Mr. Romero further objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of "all" documents. Mr. Romero further objects to this Request to the extent it seeks the production of documents or communications subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. Mr.

Romero further objects to this Request because documents related to donations by Ms. Heard or a person acting on her behalf are not relevant to facts or arguments at issue in the Litigation, which relate solely to whether statements made by Ms. Heard and by Mr. Depp are defamatory. Mr. Romero further objects to this Request to the extent it burdens or impinges upon the First Amendment speech, association, and privacy rights of the ACLU and its donors. *See NAACP v. Alabama*, 357 U.S. 449, 461 (1958). Mr. Romero will not produce documents in response to this Request.

Request No. 2

All COMMUNICATIONS between YOU and MS. HEARD or any PERSON acting on MS. HEARD's behalf, regarding any donations made to the ACLU by MS. HEARD or any PERSON on MS. HEARD's behalf, from January 1, 2016 through and including the present.

Response to Request No. 2

Mr. Romero hereby incorporates each and every one of his General Objections into his response to Request No. 2. Mr. Romero objects to this Request because it seeks production of internal, proprietary documents reflecting information about the ACLU's donors that the ACLU does not share publicly. Mr. Romero further objects to this Request because documents sufficient to show donations made to the ACLU by Ms. Heard or any person on her behalf, from January 1, 2016 through the present, are available from and have been produced by other parties to the Litigation. Accordingly, a Request for Mr. Romero to re-produce such documents is unnecessary, duplicative, and unduly burdensome.

Mr. Romero further objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of "all" documents. Mr. Romero further objects to this Request to the extent it seeks the production of documents or communications subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. Mr.

Romero further objects to this Request because documents related to donations by Ms. Heard or a person acting on her behalf are not relevant to facts or arguments at issue in the Litigation, which relate solely to whether statements made by Ms. Heard and by Mr. Depp are defamatory. Mr. Romero further objects to this Request to the extent it burdens or impinges upon the First Amendment speech, association, and privacy rights of the ACLU and its donors. *See NAACP v. Alabama*, 357 U.S. 449, 461 (1958). Mr. Romero will not produce documents in response to this Request.

Request No. 3

All DOCUMENTS and COMMUNICATIONS that refer, reflect, or relate to any press releases, public statements, or other publicity related to any donations made by MS. HEARD or other PERSONS on MS. HEARD's behalf to the ACLU, from January 1, 2016 through and including the present.

Response to Request No. 3

Mr. Romero hereby incorporates each and every one of his General Objections into his response to Request No. 3. Mr. Romero objects to this Request because it seeks production of internal, proprietary documents reflecting information about the ACLU's donors that the ACLU does not share publicly. Mr. Romero further objects to this Request because documents sufficient to show donations made to the ACLU by Ms. Heard or any person on her behalf, from January 1, 2016 through the present, are available from and have been produced by other parties to the Litigation. Accordingly, a Request for Mr. Romero to re-produce such documents is unnecessary, duplicative, and unduly burdensome.

Mr. Romero further objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of "all" documents. Mr. Romero further objects to this Request to the extent it seeks the production of documents or communications subject to the

attorney-client privilege, the work-product doctrine, or any other applicable privilege. Mr. Romero further objects to this Request because documents related to press releases, public statements, or other publicity related to any donations by Ms. Heard or a person acting on her behalf are not relevant to facts or arguments at issue in the Litigation, which relate solely to whether statements made by Ms. Heard and by Mr. Depp are defamatory. Mr. Romero further objects to this Request to the extent it burdens or impinges upon the First Amendment speech, association, and privacy rights of the ACLU and its donors. *See NAACP v. Alabama*, 357 U.S. 449, 461 (1958). Mr. Romero will not produce documents in response to this Request.

Request No. 4

All DOCUMENTS or COMMUNICATIONS, concerning MS. HEARD's work as an "ambassador" for the ACLU.

Response to Request No. 4

Mr. Romero hereby incorporates each and every one of his General Objections into his response to Request No. 4. Mr. Romero objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of "all" documents and "all" communications. Mr. Romero further objects to this Request to the extent it seeks the production of documents or communications subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. Mr. Romero further objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence insofar as it seeks documents and communications concerning Ms. Heard's role as an ACLU "ambassador" beyond her role in submitting the OP-ED (as defined in the Subpoena). However, Mr. Romero, the Executive Director of the ACLU, was not involved in preparing the OP-ED, drafting the OP-ED, reviewing the OP-ED, or submitting the OP-ED for publication. Mr. Romero further objects to this Request because documents in Mr.

Romero's possession are not relevant to the Litigation, which concerns whether Ms. Heard defamed Plaintiff. Mr. Romero will not produce documents in response to this Request.

Request No. 5

All DOCUMENTS and COMMUNICATIONS exchanged between YOU and MS. HEARD or other PERSON acting on her behalf concerning: (i) the DIVORCE ACTION; (ii) the relationship between MR. DEPP and MS. HEARD; (iii) the OP-ED; and/or (iv) the VIRGINIA ACTION.

Response to Request No. 5

Mr. Romero hereby incorporates each and every one of his General Objections into his response to Request No. 5. Mr. Romero objects to this Request as overbroad and unduly burdensome, particularly because it calls for production of "all" documents and "all" communications. Mr. Romero further objects to this Request to the extent it seeks the production of documents or communications subject to the attorney-client privilege, the work-product doctrine, or any other applicable privilege. Mr. Romero further objects to this Request to the extent it is duplicative of other Requests. Mr. Romero further objects to this Request to the extent it seeks documents or communications that are available from other parties to the Litigation.

Mr. Romero further objects to subpart (i) of this Request because documents and communications related to the "DIVORCE ACTION" are irrelevant to the Litigation, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant and admissible evidence. Mr. Romero further objects to sub-part (ii) of this Request because documents related to the "relationship between MR. DEPP and MS. HEARD" are irrelevant, except to the extent they relate to the preparation, drafting, and publication of the OP-ED. Mr. Romero further objects to sub-part (iii) of this Request because as the Executive Director of the ACLU, Mr. Romero was not involved in preparing the OP-ED, drafting the OP-ED, reviewing the OP-ED, or

submitting the OP-ED for publication. Mr. Romero further objects to sub-part (iv) of this Request because documents and communications about the Litigation itself are not reasonably relevant to the claims and issues in dispute in the Litigation. Mr. Romero will not produce documents in response to this Request.

April 2, 2021
New York, New York

PATTERSON BELKNAP WEBB & TYLER LLP

By: /s/ Stephanie Teplin
Stephanie Teplin
Michael D. Schwartz
1133 Avenue of the Americas
New York, New York 10036
(212) 336-2543
steplin@pbwt.com
mschwartz@pbwt.com

Attorneys for Non-Party Anthony Romero